

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

THE R.J. ARMSTRONG LIVING TRUST  
and DAVID C. ARMSTRONG,

Plaintiffs,

v.

SUSAN HELEN ARMSTRONG  
HOLMES,

Defendant.

Case No. 3:22-cv-00375-ART-CSD

ORDER ON MOTION TO DISMISS;  
MOTION FOR SUMMARY JUDGMENT  
(ECF Nos. 115, 117, 124)

This case concerns a dispute over a non-disparagement clause in a settlement agreement. The Court previously granted summary judgment to both parties for various claims. (*See* ECF No. 141.) In that order, the Court instructed the parties to meet and confer before briefing the Court on how to proceed to the damages phase of this case. (*Id.*)

Both parties briefed the Court requesting an injunction and a damages phase involving petitions for attorney's fees. (ECF Nos. 147, 148.)

The Court declines to enter an injunction. *See Comm'n on Ethics v. Hardy*, 212 P.3d 1098, 1103 (Nev. 2009) ("decision of whether to grant a permanent injunction rests in the district court's sound discretion"). "Permanent injunctive relief may only be granted if there is no adequate remedy at law, a balancing of equities favors the moving party, and success on the merits is demonstrated." *Chateau Vegas Wine, Inc. v. S. Wine & Spirits of Am., Inc.*, 265 P.3d 680, 684 (Nev. 2011), *as corrected on denial of reh'g* (Apr. 17, 2012). Based on briefing available from the summary judgment motions, the Court finds that attorneys' fees will sufficiently compensate victims and deter future wrongdoing.

Next, the Court finds that based on the summary judgment motion, the damages required under the terms of the contract are payment to Defendant/Counterclaimant Susan of \$650,000. (*See* ECF No. 141 at 15–16.)

1 Additionally, both parties are owed attorneys' fees. The Court instructs the  
2 parties to jointly propose a briefing schedule for their relevant fee petitions within  
3 30 days of this order.

4 **CONCLUSION**

5 Accordingly, The Court orders that David pay Susan \$650,000 in contract  
6 damages. (See ECF No. 141 at 15.)

7 The Court declines to enter an injunction for either party.

8 The Court orders the parties to jointly propose a briefing schedule for their  
9 fee petitions within thirty days.

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11 DATED THIS 21st day of August 2025.

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14 ANNE R. TRAUM  
15 UNITED STATES DISTRICT JUDGE  
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